RULES
AND
ARTICLES
For the better Government of
His MAJESTIES Army
In This
KINGDOM.

PUBLISHED
By His Majesties Special Command.

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COLL. SS. TRIN.
IUXTA DUBLIN.

BY THE

Lords Juſtices

OF

IRELAND.

Mich. Armach. C. Granard.

ARTI. I.

ALl Officers and ſouldiers (not having juſt impediment) ſhall diligently frequent Divine-Service and Sermon, in ſuch places as ſhall be appointed for the Regiment, Troop or Company, wherein they ſerve, And ſuch as either willfully or negligently abſent themſelves from Divine Service or Sermon, or elſe, being preſent, do behave themſelves undecently or irreverently

Divine Service and Sermon to be frequented.

The Penalty of abſenting from Divine Service, or irreverent behaviour during the ſame.

1. If Officers.
2. If Souldiers.

during the same; if they be Officers, they shall be severely reprehended at a Court-Martial; but if private Souldiers, they shall for every such first offence forfeit each man twelve pence, to be deducted out of their next pay; And for the second offence shall forfeit twelve pence, and be laid in Irons for twelve hours; And for every like offence afterwards, shall suffer and pay in like manner.

ART. II.

No Commodity to be put to sale in time of Divine Service, or Sermon.

If any Sutler or Seller of Ale, Beer, Wine, or any sort of Drinks, Bread, Victuals, or other Commodities or Merchandize whatsoever, attending his Majesties Forces, shall during the time of Divine Service, or Sermon, set any such thing to sale,

The Penalty.

he shall forfeit the full value thereof, for the use of the Poor.

ART. III.

The Penalty of Swearing or Cursing.

Whosoever shall use any unlawful Oath, or Execration (whether Officer or Souldier) shall incur the Penalties exprest in the first Article.

ART.

ART. IV.

If any Officer or Souldier shall presume to blaspheme the Holy and Undivided Trinity, or the Persons of God the Father, God the Son, or God the Holy Ghost; or shall presume to speak against any known Article of the Christian Faith, he shall have his Tongue Bored through with a red-hot Iron.

The Penalty of Blaspheming the Persons of the Holy Trinity, or speaking against any known Article of the Christian Faith.

ART. V.

If any Officer or Souldier shall abuse or prophane any place Dedicated to the Worship of God, or shall offer Violence to any Chaplain of the Army, or any other Minister of Gods Word, he shall suffer such punishment as shall be inflicted on him by a Court-Martial.

The Penalty of Prophaning Churches, or offering violence to Chaplains or Ministers.

And whoever shall take any of the Utensils or Ornaments belonging or Dedicated to Gods Worship, in any Church or Chapel, shall suffer death for the Fact.

Penalty of robbing or Plundering Churches or Chapels.

ART. VI.

All officers, of what Quality or condition soever, shall take the following Oath, which shall be administred to them, by such person or persons, and in

All Officers and Souldiers are to take the Oath of Fidelity.

To be administred as the King or Commander in Chief shall appoint.

in such places as His Majesty, His General, Lieutenant-General, or Commander in Chief of the Forces for the time being, shall appoint.

The Oath of Fidelity to be taken by every Officer and Soldier in the Army.

The Oath of Fidelity to be taken by all Officers and Souldiers.

I A. B. Do swear to be true and faithful to my Sovereign Lord King JAMES, and to His Heirs and Lawful Successors; And to be Obedient in all things to His General, Lieutenant-General, or Commander in Chief of His Forces, for the time being; And will behave

have my ſelf obediently towards my Superiour Officers in all they ſhall command me for His Majeſties Service. And I do further Swear, that I will be a true, faithful, and obedient Servant and Souldier, every way performing my beſt Endeavors for His Majeſties Service, obeying all Orders, and ſubmitting to all ſuch Rules and Articles of War as are or ſhall be Eſtabliſhed by His Majeſty: And

I do likewiſe Swear, that I believe that it is not lawful upon any pretence whatſoever, To take Arms againſt the King, And that I do Abhor that Traiterous Poſition of taking Arms by His Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by Him.

So help me God.

ART.

ART. VII.

No Officer or Souldier shall use any traiterous words against the Sacred Person of the King's Most Excellent Majesty upon pain of Death. The Penalty of Traiterous words against the King.

ART. VIII.

Whosoever shall hold Correspondence with any Rebel or Enemy of his Majesty, or shall give them Advice or Intelligence either by Letters, Messages, Signs, or Tokens, or any manner of way whatsoever, shall suffer Death. And whatever Regiment, Troop or Company shall Treat with such Rebels or Enemies, or enter into any Condition with them without his Majesties Leave, or Leave of the General, Lieutenant-General, or of the Chief Commander in his ablence; and the Officers of such Regiment, Troop or Company who are found guilty shall dye for it; and of the Souldiers who shall consent thereunto, every tenth Man by Lot shall be Hanged, and the rest punished at the discretion of the General Court-Martial; But whatever Officers or Souldiers can prove that they did their utmost to resist and avoid

The Penalty of Corresponding with Rebels or Enemies.

The Penalty of Treating or Entring into any Condition with them.

such a Treaty, and were no Partakers of the Crime, they shall not only go free, but shall also be rewarded for their constancy and fidelity.

ART. IX.

The Penalty on the Concealers and Contrivers of any Traiterous Conspiracy.

Whosoever shall go about to Entice or Perswade either Officer or Souldier to joyn or engage in any Traiterous or Rebellious Act, either against the Royal Person of the King or Kingly Government, shall suffer Death for it; and whoever shall not reveal to his Superior Officer such a Conspiracy so soon as ever it shall come to his knowledge, shall be judged equally guilty with the Contrivers of such a Plot or Conspiracy, and consequently shall suffer the same Penalty.

ART. X.

The Penalty of disrespectful Behaviour, or dishonourable words against the General, Lieutenant-General, or other Chief Commander.

If any Officer or Souldier shall behave himself disrespectfully towards the General, Lieutenant-General, or other Chief Commander of the Army, or speak words tending to his Hurt or Dishonour, he shall be punished according to the Nature and Quality of the Offence by the Judgement of the General Court-Martial.

ART.

ART. XI.

Whosoever shall presume in the presence of the General, Lieutenant-General, or other Commander in Chief, to draw his Sword with a purpose to do any Officer, or any of his fellow Souldiers mischief, shall suffer such Punishment as a Court-Martial shall think fit to inflict upon him for the said Offence.

The Penalty of Drawing a Sword in the presence of the General, Lieutenant-General, or Commander in Chief.

ART. XII.

Whosoever shall presume to violate any safe Conduct or Protection given by his Majesty, the General, Lieutenant-General, or other Commander in Chief (knowing the same) shall suffer Death, or such other punishment as shall be inflicted on him by the General Court-Martial.

The Penalty of violating a safe Conduct or Protection given by his Majesty, the General, Lieutenant-General, or other Chief Commander.

ART. XIII.

If any number of Soldiers shall presume to assemble to take Council amongst themselves for the demanding their Pay, any Inferior Officers accessary thereunto, shall suffer death for it as the Heads and Ringleaders

Penalty of unlawful and mutinous Assemblies of Inferior Officers.

Of Soldiers in Mutinies.

of such Mutinous and Seditious Meetings; and the Soldiers shall be punished either with death or otherwise at the Discretion of the General Court-Martial: And if any Captain being privy thereunto shall not suppress the same, or complain of it, he shall likewise be punished with Death, or such other Punishment as the General Court-Martial shall think fit.

Of Captains not suppressing or complaining of Mutinies to which they are privy.

ART. XIV.

Penalty of speaking mutinous and seditious words.

No Officer or Soldier shall utter any words tending to Sedition or Mutiny upon pain of suffering such Punishment as shall be inflicted on him by a Court-Martial.

The Penalty of not revealing mutinous words

And whosoever shall hear any Mutinous or Seditious Words spoken, and shall not with all possible speed reveal the same to his Superiour Officers, shall be punished as a Court-Martial shall think fit.

ART. XV.

The Penalty of Inferiour Officers or Soldiers resisting their superiour Officers.

If any Inferiour Officer or Soldier shall refuse to obey his Superiour Officer, or shall quarrel with him, he shall be Cashiered, or suffer such Punishment as a Court-Martial shall think fit.

But

But if any Soldier shall presume to resist any Officer in the Execution of his Office, or shall strike, or lift up his hand to strike, or shall draw, or offer to draw, or lift up any Weapon against his Superiour Officer upon any pretence whatsoever, he shall suffer Death, or such other Punishment as the General Court-Martial shall think fit.

The penalty of drawing upon them, or striking them, or offering to draw or strike them.

ART. XVI.

Every Soldier shall keep silence when the Army is Marching, Embattelling, or taking up their Quarters, (to the end that their Officers may be heard, and their Orders executed) upon pain of Imprisonment, or such other Punishment as a Court-Marshal shall think fit, according to the circumstance and aggravation of the Fact.

Silence to be kept by all Soldiers whilst the Army is marching, embattelling, or taking up their Quarters.

ART. XVII.

Who ever shall in anger draw his Sword whilst his Colours are flying, either in Battel, or upon the March, unless it be against the Enemy, shall suffer such Punishment as a Court-Martial shall think fit.

The penalty of any mans drawing a Sword but against the Enemy, whilst his Colours are flying.

ART. XVIII.

The Penalty if any one ſtays behind his Colours.

When any March is to be made, every Man who is ſworn ſhall follow his Colours; and whoever ſhall without leave ſtay behind, or depart above a mile from the Camp, or out of the Army without Licence, ſhall ſuffer ſuch Puniſhment as ſhall be inflicted on him by a Court-Martial.

ART. XIX.

The Penalty if any one extort Free Quarter, commit any ſpoil or waſte, &c. in a March

No perſon ſhall extort free quarter, or ſhall commit any waſte, or ſpoyl or deface Walks of Trees, Parks, Warrens, Fiſhponds, Houſes, or Gardens, tread down, or otherwiſe deſtroy Standing Corn in the Ear, or ſhall put their Horſes into Meadows without leave from their Superior Officer, upon pain of ſevere puniſhment; But if any Officer or Souldier ſhall exact Money, or wilfully burn any Houſe, Barn, Stack of Corn, Hay, or Straw, or any Ship, Boat or Carriage, or any thing which may ſerve for the Proviſion of the Army, without Order from the Commander in Chief, he ſhall ſuffer death for it.

The Penalty of Burning Houſes, ſpoiling Corn, Hay, &c.

ART.

ART. XX.

Whoever shall run from his Colours, or doth not Defend them to the utmost of his Power, shall suffer Death.

The Penalty if any one run from his Colours.

ART. XXI.

If any Officers or Souldiers, Regiment, Troop, or Company, or Commanded Party, shall not behave themselves in Fight against an Enemy as they ought to do, they shall suffer such punishment as the General Court-Martial shall inflict.

The Penalty if a Regiment, &c. shall not behave themselves as they ought to do.

ART. XXII.

When it shall please God that His Majesties Forces shall beat the Rebels, or Enemy, every man shall follow his Officer in the Chase; but whoever shall presume to pillage or plunder till the Rebels or Enemy be entirely beaten, he shall suffer death, or such other punishment as shall be pronounced against him by the General Court-Martial; and the Pillage so gotten shall be forfeited to the use of the sick and maimed Souldiers.

The Penalty of Plundering before the Enemy be entirely beaten.

ART.

ART. XXIII.

The Enemies Ammunition and Victuals that shall be taken shall be for His Majesties use, and a tenth of the Spoil to be laid apart for the sick and maimed Soldiers.

In what place soever it shall please God that the Rebels or Enemy shall be subdued or overcome, all the Ordnance, Ammunition and Victuals that shall be there found shall be secured for his Majesties use, and for the better Relief of the Army; and one tenth part of the Spoil shall be laid apart towards the Relief of the sick and maimed Soldiers.

ART. XXIV.

The Penalty of not keeping the Quarters clean.

All Officers whose Charge it is shall see the Quarters kept clean and neat upon pain of severe Punishment.

ART. XXV.

The Penalty of lying all night out of the Camp or Garrison.

No Officer shall lie out all Night from the Camp or Garrison without his superior Officers Leave, upon pain of being punished for it as a Court-Martial shall think fit; Nor shall any Soldier or Officer go any By-way to the Camp, or other than the common way laid out for all, upon pain of being punished as aforesaid.

ART.

ART. XXVI.

No Soldier shall presume to make any alarm in the Quarters by shooting off his Musquet in the night after the Watch is set, unless it be at an Enemy; upon pain of suffering such punishment as a Court-Martial shall inflict.

The Penalty of shooting off a Musquet in the night, after the Watch is set, unless at an Enemy.

ART. XXVII.

No Soldier shall in anger draw his Sword in any Camp, Port, or Garrison, upon pain of suffering such puishment as a Court-Martial shall inflict upon him for the same.

The Penalty of drawing a Sword in Camp or Garrison.

ART. XXVIII.

When warning is given for setting the Watch, by beat of Drum or sound of Trumpet; if any Soldier shall absent himself without reasonable cause, he shall be punished by Riding the Wooden Horse, or otherwise at the discretion of the Commander.

The Penalty if a Soldier absent himself from the Watch when warning is given.

And whoever shall fail at the Beating of a Drum, or Sound of a Trumpet, or upon an Alarm given, to repair to his Colours, with his Arms decently,

The penalty if a Soldier do not at the Beat of Drum, or Sound of Trumpet, or an Alarm, repair to his Colours.

decently kept, and well fixed (unless there be an evident necessity to hinder him from the same) he shall either be put in Irons for it, or suffer such other punishment as a Court-Martial shall think fit.

ART. XXIX.

The Penalty of making known the Watch-word, or giving a false one.

Whoever makes known the Watch-Word without Order, or gives any other Word but what is given by the Officer, shall suffer death, or such other punishment as the General Court-Martial shall think fit.

ART. XXX.

The penalty of a Centinel sleeping when he should be upon Duty.

A Centinel who shall be found sleeping in any Post, Garrison, Trench, or the like, (while he should be upon his Duty) shall suffer death, or such other punishment as the General Court-Martial shall inflict for the same.

The penalty if a Centinel or Perdue forsake his place before he be relieved, or drawn off.

And if a Centinel or Perdue shall forsake his place before he be relieved or drawn off; or upon discovery of an Enemy, shall not give warning to his Quarters, according to Direction, he shall suffer death, or such other punishment as the General Court-Martial shall think fit.

And

And if any Soldier imployed as a Scout, shall not go upon that Service so far as he is commanded, or having discovered an Ambush, or Approach of the Enemy, shall not return forthwith to give notice or warning to his Quarters; or if he enter into any House, and there or elsewhere be found sleeping or drunk, whilst he should have been upon Service, he shall suffer death, or such other punishment as shall be inflicted upon him by the General Court-Martial.

The penalty of a Scouts neglecting his duty.

ART. XXXI.

Whoever shall do violence to any who shall bring Victuals to the Camp or Garrison, or shall take his Horse or Goods, shall suffer death, or such other punishment as the General Court-Martial shall inflict.

The penalty of robbing or abusing any who bring Provisions into the Camp or Garrison.

If any shall presume to beat or abuse his Host, or the Wife, Child, or Servant of his Host, where he is Quartered, he shall be put in Irons for it: And if he do it a second time, he shall be further punished; and the party wronged shall in both cases have amends made him.

The penalty if any Soldier abuse or beat his Host, his Hosts Wife, Child, or Servant.

And whoever shall force a woman to abuse her (whether she belong to the

Penalty of Ravishing.

Enemy

Enemy or not) and the Fact be sufficiently proved, shall suffer Death for it.

ART. XXXII.

The Penalty of reproachful or provoking speech or act.

No Souldier or Officer shall use any reproachful or provoking speech or act to another, upon pain of Imprisonment, and such further punishment as a Court-Martial shall think fit.

The Penalty of sending or accepting a Challenge.

Either for Officers

Or private Souldiers.

Nor shall any Officer or Souldier presume to send a Challenge to any other Officer or Souldier to fight a Duel; neither shall any Souldier or Officer upbraid another for refusing a challenge; And whoever shall offend in either of these cases, if he be an Officer, he shall be Cashiered; and if a private Souldier, he shall ride the Wooden-Horse, and be further punished as a Court-Martial shall think fit; And if any Corporal or other Officer commanding a Guard, shall willingly or knowingly suffer either Souldiers or Officers to go forth to a Duel, he shall be punished for it by the sentence of a Court-martial.

The Penalty if any Officer knowingly suffer any to go out to fight a Duel.

All Officers shall have power to part or quell all Frays, &c.

And all Officers of what Condition soever, have power to part and quell all Quarrels, Frays or sudden disorders between Souldiers and Officers, though of another Company, Troop or Regiment, and to command the

disor-

disorderly persons to prison, until their proper officers be acquainted therewith.

Whoever shall resist such an Officer (though of another Company, Troop or Regiment) or draw his Sword upon him, shall be severely punished as the General Court-Martial shall appoint. Penalty of resisting an Officer.

And if two or more going into the Field to fight a Duel, shall draw their Swords or other Weapons and fight; though neither of them fall upon the spot, nor die afterwards of any wound there received; yet if they be Officers they shall be cashiered; and if common Soldiers, they shall be punished with Riding the Wooden Horse, or suffer such other punishment as a Court-Martial shall direct. The Penalty of going into the Field and there drawing Swords though no death ensue.

And lastly, in all cases of Duels, the Seconds shall be taken as Principals, and punished accordingly. The Seconds in all Duels shall be reputed as Principals.

ART. XXXIII.

No man shall present himself to the Muster to be enrolled in the Muster-Rolls by a counterfeit or wrong name, or Sirname, or place of Birth or Habitation, or present himself or Horse to mis-lead the Muster-Master, upon pain of such punishment as the General Court-Martial shall think fit. The Penalty of any mans enrolling himself by a counterfeit Name, &c.

ART. XXXIV.

None must pass Muster but those who attend their Duty.

No Officer or Souldier shall be allowed or passed the Muster who does not diligently attend his Duty, and appear at the Muster, unless he be absent by his Majesties Permission, or leave from the General, Lieutenant-General, or the Chief Officer commanding the Regiment, Troop or Company to which he belongs:

None are to be absent above two months in a year.

And no Officer or Souldier is to be absent as aforesaid, without leave from his Majesty, or the Commander in Chief of his Majesties Forces, for above two months in a year.

ART. XXXV.

Those who have Passes, and shall exceed the time, shall not receive their Pay.

All Passes and Licenses for being absent shall be brought to the Muster-Master, who is required to Enter the same in a Book fairly written, to prevent Collusion; And whoever is absent longer than the time limited in his Pass for his absence, shall be respited, and not allowed the Muster, without Order from his Majesty, the General, or other Commander in Chief of his Majesties Forces.

ART.

ART. XXXVI.

No Muſter-Maſter ſhall knowingly let any paſs the Muſters, but ſuch as are duely qualified upon the penalty of loſing his place.

The penalty if a Muſter-maſter let paſs falſe Muſters

ART. XXXVII.

If any Lieutenant, Cornet or Enſign ſhall diſcover and make proof to the General Officer or Colonel, that his Captain hath made falſe Muſters, the ſaid Captain ſhall be caſhiered; and the Lieutenant or Enſign diſcovering as aforeſaid ſhall have the place of his Captain; and whatever Sergeant or Corporal ſhall diſcover and make proof of falſe Muſters as aforeſaid, the ſaid Sergeant or Corporal ſhall have for each time, the ſum of Fifty Pounds, payable by the Paymaſter, at the firſt Muſter immediately following the Diſcovery ſo made. But if his Accuſation ſhall upon Examination, be found falſe or malicious, he ſhall in that caſe be immediately caſhiered, and ſuffer ſuch further Puniſhment as the General Court-Martial ſhall direct.

The Reward of diſcovering falſe Muſters, and Puniſhment if the Accuſation be found falſe or malicious.

ART. XXXVIII.

Sick Souldiers are to have care taken of them.

If any souldier be sick, wounded, or maimed in his Majesties Service, he shall be sent out of the Camp to some fit place for his Recovery, where he shall be provided for by the Officer appointed to take care of sick and wounded Souldiers, and his Wages or Pay shall go on, and be duly paid till it does appear that he can be no longer serviceable in the Army, and then he shall be sent by Pass to his Countrey, with money to bear his charges in his Travel, or such other provision shall be made for him, as his Majesty shall direct.

ART. XXXIX.

All Commissions to be Entred.

All Commissions granted by his Majesty, the General, or Commander in Chief of his Majesties Forces to any Officer in pay, shall be brought to the Commissary of the Musters, and Secretary at War, who are to receive and Enter the same in a Book fairly written; and no Commission Officer shall be allowed in Muster, without a Commission from his Majesty, or the Commander in Chief for the time being, and the same Entred with the

Com-

Commissary-General of the Musters, or his Deputies, and Secretary at War.

ART. XL.

No Commission Officer after Enrollment and being Mustered, shall be dismissed or cashiered without Order from his Majesty, the General, or Commander in Chief for the time being, or a General Court-Martial: But the Captains with the approbation of their Colonels, or of the Governour of the Garrison where they are, may discharge any Non-Commissioned Officer, or Private Souldier when they find cause, taking other Non-Commission Officers or Souldiers in their places; Provided that such Colonel or Governour shall forthwith certifie the Commissary-General of the Musters, That (by their approbation) such Non-Commission Officers or Souldiers were discharged, and others taken into their places respectively. And in Quarters and Garrisons where they are only single Troops or Companies, the Captains Certificates are forthwith to be sent and accepted by the Commissary-General, expressing the day of

No Commission Officer to be Cashiered but by Order from His Majesty, or the General, or a General Court-Martial

But Non-Commission Officers and Souldiers may be dismist.

each Non-Commission-Officers or Souldiers discharge or death, and who has been entertained in his place.

ART. XLI.

Captains to keep their Troops and Companies full.

All Captains shall use their utmost endeavours to have their Troops and Companies compleat and full, and no Souldiers Duty, either of Horse or Foot, shall be done by any other than the Souldier himself; But in case of sickness and disability, or other necessary cause, his Captain may dispence with his absence, without obliging him to find another to serve in his stead.

No Souldiers Duty to be done by another.

ART. XLII.

The Penalty of Pawning, Selling, or spoiling Arms

If any Trooper or Dragoon shall lose or spoyl his Horse, or any Foot-Souldier his Arms, or any part thereof by negligence or Gaming, he shall remain in the quality of a Pioneer or Scavenger, till he be furnished at his own charge, with as good as were lost; And if he be not otherwise able, the one half of his Pay shall be deducted and set apart for the providing of it till he be re-furnished.

Nor

Nor shall any Souldier sell, or negligently or wilfully break his Arms, or any part thereof, or any Hatchets, Spades, Shovels, Pickaxes, or other Necessaries of War, upon pain of severe punishment, at the discretion of the General Court-Martial. And where Arms, or other Necessaries aforesaid shall be pawned, they are to be forfeited, and seized on for his Majesties use. The Penalty of Selling, or Breaking Arms, &c.

ART. XLIII.

All Officers and Souldiers, and also the Muster-Masters, not duly observing these Orders and Instructions, and every of them respectively, shall be cashiered, or liable to such other Punishments as his Majesty, or Commander in Chief of the Forces, or a Court-Martial shall appoint. The Penalty of Officers and Souldiers not obeying these Orders.

ART. XLIII.

None shall presume to spoil, sell, or Convey away any Ammunition delivered unto him, upon pain of suffering death, or such other punishment as the General Martial shall think fit. Penalty of Selling or Conveying away any Ammunition or Victuals.

ART. XLV.

The Penalty of Imbezelling Victuals or Ammunition.

No Officer, Provider or Keeper of the Victuals or Ammunition for His Majesties Forces shall imbezel or willingly spoyl or give a false Account of any part thereof to whom he is to make his Account, upon pain of suffering Death, or such other punishment as the General Court-Martial shall think fit.

ART. XLVI.

The Penalty of providing unsound or unsavory Victuals for the Army.

No Commissary or Victualler shall bring or furnish unto the Camp any unsound or unsavory Victuals of what kind soever, whereby Diseases may grow in the Army, or the Service be hindred; and if upon Examination before the General Court-Martial he shall be found guilty, he shall suffer such punishment as they shall direct.

ART. XLVII.

No Officer or Souldier to be a Victualler.

No Officer or Souldier shall be a Victualler in the Army upon pain of being punished at discretion.

ART.

ART. XLVIII.

No Victualler or Seller of Beer, Ale, or Wine belonging to the Army, shall entertain any Souldier in his House, Booth, Tent, or Hutt after the Warning-Piece, Tattoe, or Beat of the Drum at night, or before the Beating of the Reveilles in the morning; Nor shall any Souldier within that time be any where but upon his Duty, or in his Quarters, upon pain of punishment both to the Souldier and Entertainer, at the Discretion of a Court-Martial.

The Penalty of Entertaining Souldiers after the Tattoe, or before the Reveilles in the morning.

ART. XLIX.

The Commission-Officers of every Regiment may hold a Court-Martial for that Regiment, upon all necessary occasions.

The Provost-Martial of every Regiment shall have the same priviledge in his own Regiment, as the Provost-Martial General hath in the Army or Camp, and such Fees also as the Court-Martial shall allow.

Every Regiment may have a Court Martial, and a Provost-Martial and other Officers necessary for a Court.

ART. L.

The Duty of the Judges.

Such who are Judges in a General Court-Martial, or in a Regimental Court-Martial, shall hold the same Rank in those Courts as they do in the Army for Orders sake, and they shall take an Oath for the due Administration of Justice according to these Articles, or (where these Articles do not assign any special Punishment) according to their Consciences, the best of their Understandings, and the Custom of War in the like Cases; and shall demean themselves orderly in the hearing of Causes, and before giving of Sentence every Judge shall deliver his Vote or Opinion distinctly, and the Sentence is to be according to the plurality of Votes, and if there happen to be an equality of Votes, the President is to have a casting Voice.

The President must pronounce the Sentence.

And when Sentence is to be given, the President shall pronounce it; and after that the Sentence is pronounced the Provost-Martial shall have Warrant to cause Execution to be done according to Sentence.

ART.

ART. LI.

At a General Court-Martial there shall be a Clerk who is to be sworn to make true and faithfull Records of all the Proceedings of that Court, and there shall be also such other Officers appointed both for that and also for the Regimental Court-Martial as shall be necessary; and the General Court-Martial may appoint and limit the Fees of the Provost-Marker-General as they shall think fit.

A Sworn Clerk to attend the General Court-Martial.

ART. LII.

All Controversies either betwæn Soldiers and their Captains or other Officers, or betwæn Souldier and Souldier relating to their Military Capacities, shall be summarily heard and determined at the next Court-Martial of the Regiment.

Courts-Martial to decide Military Controversies.

ART. LIII.

If in any matter which shall be judged in any of the aforesaid Regimental Courts-Martial either of the Parties shall find himself aggrieved, he may appeal to the General Court-Martial, who are to take care that

There may be appeal made from the Regemental Courts-Martial to the General Court-Martial.

that if the Party appealing make not good his Suggestion, Recompence be made to the other for the trouble and charge of such an Appeal.

ART. LIV.

In all Criminal Causes which concern the Crown, His Majesties Advocate-General or Judge-Advocate of the Army, shall inform the Court and prosecute on his Majesties behalf.

In all criminal Causes which concern His Majesty, His Advocate-General is to inform and prosecute.

ART. LV.

No Officers or Soldiers shall presume to hinder the Provost-Martial, his Lieutenant or Servant in the Execution of their Office upon pain of Death, or such other Punishment as a Court-Martial shall think fit; And all Captains, Officers and Soldiers shall do their utmost to apprehend and bring to Punishment all Offenders, and shall assist the Officers of His Majesties Army or Forces therein, especially the said Provost-Martial, his Lieutenant and Servant; and if the Provost-Martial or his Officers require the assistance of any Officer or Soldier in apprehending any person, declaring to them that it is for a capital Crime, and the party

The penalty of hindring the Provost-Martial in the execution of his Duty.

The penalty of not assisting him.

ty escape for want of Aid & Assistance, the party or parties refusing to aid or assist shall suffer such Punishment as a Court-Martial shall inflict.

ART. LVI.

If any Officer or Soldier who shall presume to draw his Sword in any place of Judicature while the Court is sitting, he shall suffer such punishment as shall be inflicted on him by a Court-Martial. And the Provost-Martial of his Majesties Army is hereby empowered and directed by his own authority to apprehend such offenders.

The Penalty of drawing a Sword in the place of Judicature, while they are sitting.

ART. LVII.

If any Soldier being committed for any Offence shall break Prison, the said Provost-Martial-General shall by his own Authority apprehend him, and the Offender shall suffer Death.

The Penalty of breaking Prison

ART. LVIII.

If any Fray shall happen within the Camp or place of Garrison in any of the Soldiers Lodgings, or where they meet, it shall be inquired into by the Officers of the Regiment, and the Beginners and pursuers thereof punished according to the quality of the offence.

In case of a Fray the Officers of the Regiment are to enquire into it, and see it punished.

ART.

ART. LIX.

What an Inferior Officer must do if he be wronged.

If any inferior Officer either of Horse or Foot be wronged by his Officer, he may complain to his Colonel or other superior Officer of the Regiment, who is to redress the same, upon due proof made of the wrong done him; But if he fail therein, the party grieved is to apply to the General Officer for redress: And if the accusation be false, the Complainant is to be punished at the discretion of a Court-Martial.

ART. LX.

The Penalty of an Officer forcing any thing from a Souldier.

If any Colonel or Captain shall force or take any thing away from a private Souldier, such Colonel or Captain shall be punished according to the quality of the Offence, by the judgment of a General Court-Martial.

The Penalty if a Souldier who is wronged, go about to help himself.

And if a Souldier shall be wronged, and shall not appeal to the Court, or his superior Commander, but take his own satisfaction for it, he shall be punished by the judgment of a Court-Martial.

ART.

ART. LXI.

If any Souldier die, no other shall take or spoyl his Goods, upon pain of restoring double the value to him to whom they belong, and of such further Punishments as a Court-Martial shall think fit. But the Captain of the Company of which such a Souldier was, shall take the said Goods into his Custody, and dispose of them for paying his Quarters, and to keep the overplus, (if any be) for the use of those to whom they belong, and who shall claim the same within three months after his death.

The Captain is to take care of any Souldiers Goods when he dies.

And if any Captain or Officer die, the chief Commander shall take care of reserving his Estate in like manner.

And the Chief Commander of any Superior Officers Estate.

ART. LXII.

No Provost-Martial shall refuse to receive or keep a Prisoner Committed to his Charge by Authority, or shall dismiss him without Order, upon pain of such Punishment as a Court-Martial shall think fit.

Penalty if a Provost-Martial refuse to take a Prisoner into Custody.

And

And if the Offence for which the Prisoner was apprehended deserv'd Death, the Provost-Martial failing to receive and keep him as aforesaid, shall be liable to the same punishment.

ART. LXIII.

If any person be committed by the Provost-Martials own Authority, without other Command, he shall acquaint the General, or other Chief Commander with the Cause within twenty four hours, and the Provost-Martial shall thereupon dismiss him, unless he have Order to the contrary.

If a person be committed by the Provost-Martials own Authority, the Chief Commander must be acquainted with it.

ART. LXIV.

No man shall presume to use any Braving or Menacing words, signs or Gestures where any of the aforesaid Courts of Justice are sitting, upon pain of suffering such Punishment as the Court-Martial shall think fit.

The Penalty of using menacing words, signs or actions in a place of Judicature.

ART.

ART. LXV.

Whatever is to be published or generally made known, shall be done by Beat of Drum, or the sound of Trumpet, That no man may pretend Ignorance thereof: And if afterwards any one shall be found disobedient, or transgressing what is so published, he shall be punished according to these Articles, or the quality of the Fact.

All things are to be made known by Beat of Drum, or the sound of Trumpet, and then obeyed.

FINIS.